

response to this action to one (1) month from the date thereof requiring a response to be filed on or before August 11, 2003.

ADDITIONAL FEES

No additional fees are deemed due herein for filing of this COMMUNICATION. However, if any fees are required for any reason, please charge the same to Deposit Account No. 13-2515.

REMARKS

Claims in the Application

Claims 1 through 57 are pending in this United States Patent Application. The claim(s) are subject to a restriction requirement under 35 U.S.C. 121 as set forth below.

Election/Restriction

The Examiner imposed a restriction requirement under 35 U.S.C. 121 and determined that the following distinct inventions were present in this United States Patent Application:

<u>Group</u>	<u>Claims</u>	<u>Classification</u>
I	1-38, 46-50	Drawn to a device and method for measuring fluid flow rate, classified in Class 73, subclass 861+
II	39-45, 51-57	Drawn to a milking flow meter used in conjunction with a milk claw and system, classified in Class 119, subclass 14.15

The undersigned hereby confirms the election of Group I, Claims 1-38, 46-50 for prosecution in this Application. This election is made without traverse.

The Examiner made the following statement at Paragraph 5. of the Office Action dated July 11, 2003, to wit:

This Application contains claims directed to the following
patentably distinct species of the claimed invention: Species I-Fig.
6; Species II-Figs. 7 and 8; Species III-VIII Figs. 9-19,
respectively.

Since there is no clarifying or other language is set forth in the Office action relating to this statement, Applicant is unclear as to whether the Examiner is now imposing a further restriction requirement as to an elected species.

Applicants are concerned that the above statement may have meant to be a possible further restriction requirement as to an elected species in order to be responsive.

If the Examiner was not imposing a further restriction requirement as to an elected species, then no other action appears to be required on the part of the Applicants.

If the Examiner was imposing a further restriction requirement as to an elected species, Applicants response is as follows.

Subject to the restriction in applications as set forth in the MPEP Section 800 et seq. relating to the imposition of a restriction requirement in an application and Applicants retaining the right that once a claim that is determined to be generic is allowed such that all of the claims drawn to the species which include the limitations of the generic claim would likewise be allowable in view of the allowance of the generic claim as set forth in MPEP Section 806.04(d) and Applicant retaining the rights after an action following election as set forth in MPEP Section 809.02 (c), Applicants hereby conditionally elect the Species I-Fig. 6 for prosecution in this Application.

Withdrawn Invention

Group II claims, claims 39-45, 51-57, are withdrawn from further consideration by the Examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention. Applicants do not desire to cancel the claims drawn to the non-elected invention until an allowable claim or claims have been obtained in this Application.

Respectfully submitted,



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